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9 Attorney for Defendant, JAVIER VASQUEZ-ROBLES

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. 5:02-CR-20085-JF
14)
15 Plaintiff,) STIPULATION TO
16) CONTINUE DATES
17 vs.)
18)
19 JAVIER VASQUEZ-ROBLES,)
20 Defendant.)
21)
22)
23)
24)
25)
26)
27)
28)

Judge: Hon. Jeremy Fogel

21 IT IS HEREBY STIPULATED by and between counsel that there exists good cause to
22 continue the dates previously set forth in the matter of JAVIER VASQUEZ-ROBLES as listed
23 below:

Date Currently Set	Event	New Date
September 2, 2008	Motion due	September 16, 2008
November 3, 2008	Government's Response date	November 17, 2008

November 17, 2008	Defendant's Reply date	December 1, 2008
December 3, 2008	Motion Hearing	December 10, 2008 at 10:00 a.m.

The parties agree that the time between September 2, 2008 to December 17, 2008 shall be excluded from the Speedy Trial Act requirements of Title 18, United States Code, § 3161 pursuant to Title 18, United States Code § 3161(h)(8)(A) and §3161(h)(8)(B)(iv). The case has already been deemed complex and was just approved for electronic filing. The parties agree that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in an earlier trial, specifically based on the fact that defendant Vasquez-Roble's counsel has been in trial for four of the last five months and he and the other defense counsel need additional time to prepare motions. The U.S. Attorney, Gary Fry, has no objection to the additional time set forth in the stipulation. For these reasons, the parties agree that a continuance is necessary to ensure that the defendant and defense counsel can prepare the case, and denial of such a continuance would unreasonably deny defendant Javier Vasquez-Robles effective case preparation pursuant to 18 U.S.C. §3161(h)(8)(A) and §3161(h)(8)(B)(iv).

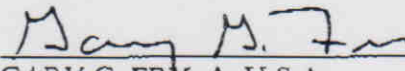
Therefore, it is respectfully requested that the current following dates as listed below be vacated and reset for dates also listed below:

Date Currently Set	Event	New Date
September 2, 2008	Motion due	September 16, 2008
November 3, 2008	Government's Response date	November 17, 2008
November 17, 2008	Defendant's Reply date	December 1, 2008
December 3, 2008	Motion Hearing	December 10, 2008 at 10:00 a.m.

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2
3 THE PARTIES SO STIPULATE.

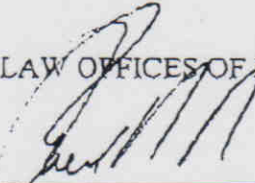
4 Dated: September 3, 2008

UNITED STATES ATTORNEY'S OFFICE

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6 GARY G. FRY, A. U. S. A.

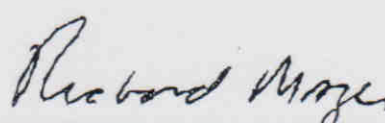

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9 Dated: September 2, 2008

LAW OFFICES OF PAUL B. MELTZER

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11 PAUL B. MELTZER, Attorney for
12 Defendant, JAVIER VASQUEZ-ROBLES.

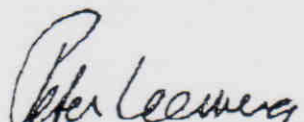

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14 Dated: September 2, 2008

LAW OFFICES OF RICHARD MAZER

15  By 
16 RICHARD MAZER, Attorney for
17 Defendant, EMILIA VASQUEZ

18
19
20 Dated: September 2, 2008

LAW OFFICES OF PETER LEEMING

21  By 
22 PETER LEEMING, Attorney for
23 Defendant, CARINA VASQUEZ
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Stipulation to Continue
Status Hearing; Order Thereon

[PROPOSED] ORDER

Good cause shown, therefore, IT IS HEREBY ORDERED that the current dates set forth be vacated and new dates set as listed below:

Date Currently Set	Event	New Date
September 2, 2008	Motion due	September 16, 2008
November 3, 2008	Government's Response date	November 17, 2008
November 17, 2008	Defendant's Reply date	December 1, 2008
December 3, 2008	Motion Hearing	December 10, 2008 at 10:00 a.m.

In light of these facts, the parties agree that the time between September 2, 2008 to December 17, 2008 shall be excluded from the Speedy Trial Act requirements of Title 18, United States Code, § 3161 pursuant to Title 18, United States Code § 3161(h)(8)(A) and §3161(h)(8)(B)(iv). The parties agree that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in an earlier trial, specifically based on the fact that defendant Vasquez- Roble's counsel has been unavailable and additional time is needed to prepare motions. For these reasons, the parties agree that a continuance is necessary to ensure that the defendant and defense counsel are prepared to make informed decisions regarding the case, and denial of such a continuance would unreasonably deny defendant Javier Vasquez-Robles effective case preparation pursuant to 18 U.S.C. §3161(h)(8)(A) and §3161(h)(8)(B)(iv).

SO ORDERED.

Dated: September 11, 2008


JEREMY FOGEL, DISTRICT JUDGE
UNITED STATES DISTRICT COURT